

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

TIMOTHY JAMES CHAPPELLE,	§	
	§	
	§	
Petitioner,	§	
	§	
v.	§	Case No. 6:23-cv-352-JDK-KNM
	§	
LARRY SMITH,	§	
	§	
	§	
Respondent.	§	
	§	

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Petitioner Timothy James Chappelle, a Texas Department of Criminal Justice inmate proceeding pro se, filed this federal petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his Smith County conviction. The petition was referred to United States Magistrate Judge K. Nicole Mitchell for findings of fact, conclusions of law, and recommendations for disposition.


On April 25, 2025, Judge Mitchell issued a Report recommending that the petition be dismissed without prejudice for Petitioner's failure to exhaust his required state court remedies. Docket No. 12. Judge Mitchell also recommended that a certificate of appealability be denied. A copy of this Report was mailed to Petitioner at his last-known address, with an acknowledgement card. The docket reflects that the Report was returned to the Court as "undeliverable," with a notation that Petitioner has been "discharged." Docket No. 13. To date, Petitioner has not objected to the Report.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Petitioner has not filed objections and the objection period has expired. The Court therefore reviews the Magistrate Judge’s findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (holding that, if no objections to a Magistrate Judge’s Report are filed, the standard of review is “clearly erroneous, abuse of discretion and contrary to law”).

Having reviewed the Magistrate Judge’s Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 12) as the findings of this Court. This action is **DISMISSED** without prejudice. The Court **DENIES** a certificate of appealability.

So **ORDERED** and **SIGNED** this **27th** day of **May, 2025**.


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE